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Monday, 17th of August 2021

Deputy President Clancy
Fair Work Commission
11 Exhibition Street
Melbourne VIC 3000

By email: chambers.clancy.dp@fwc.gov.au

Dear Deputy President,

Re: AM2018/26 Social, Community, Home Care and Disability Services Industry Award 2010 – ASU Draft Determination

We refer to the matter above. As directed by the Fair Work Commission, the ASU files the attached proposal regarding remote response for discussion at the conference listed on Wednesday, 19 August

A copy of this correspondence and has been sent to the other parties to the Four Yearly Review of the SCHDS Award.

Yours faithfully



Michael Robson
NATIONAL INDUSTRIAL COORDINATOR

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Replace clause 20.9 with the following:

20.9 On call allowance

- (a) An employee required by the employer to be on call (i.e. available for recall to duty or to perform remote response duties) will be paid an allowance of 2.0% of the standard rate in respect to any 24 hour period or part thereof during the period from the time of finishing ordinary duty on Monday to the time of finishing ordinary duty on Friday.
- (b) The allowance will be 3.96% of the standard rate in respect of any other 24 hour period or part thereof, or any public holiday or part thereof.

Replace clause 28.4 with the following:

28.4 Recall to work overtime

An employee recalled to work overtime after leaving the employer's or client's premises or another place of work will be paid for a minimum of two hours' work at the appropriate rate for each time so recalled. If the work required is completed in less than two hours the employee will be released from duty.

Insert a new clause 28.6 as follows:

28.6 Remote response

- (a) Remote response duties mean the performance of the following activities outside of the employee's rostered ordinary hours:
 - (i) responding to phone calls, messages or emails;
 - (ii) providing advice;
 - (iii) arranging call out/rosters of other employees; and
 - (iv) remotely monitoring and/or addressing issues by remote telephone and/or computer access;
- (b) Remote Response when on call:
 - (i) Any employee who is required on call and who is required to perform remote response duties between 6.00am and 10.00pm in any day, will be paid:
 - (A) at the employee's minimum rate of pay with shift penalties, weekend rates, overtime and public holiday rates of pay paid according to clauses 26, 28, 29 and 43;
 - (B) with a minimum payment of 30 minutes, rounded up to the nearest 15 minutes; and
 - (C) any further requests to perform remote response work will be paid an additional 30 minutes for each time so requested provided that multiple remote response requests made and concluded within the same hour shall be compensated within the same 30 minutes' hour's payment.
 - (i) Any employee who is required on call and who is required perform remote response duties between 10.00pm and 6.00am in any day the employee will be paid:

- (A) at the employee's minimum rate of pay with shift penalties, weekend rates, overtime and public holiday rates of pay paid according to clauses 26, 28, 29 and 43;
 - (B) with a minimum payment of 1 hour, rounded up to the nearest 15 minutes; and
 - (C) any further requests to perform remote response work will be paid an additional one hour for each time so requested provided that multiple remote response requests made and concluded within the same hour shall be compensated within the same one hour's payment.
- (c) An employee who is not required to be on call and who is required to perform remote response duties will:
- (A) be paid at the full-time overtime rate;
 - (B) with a minimum payment of one hour;
 - (C) where work exceeds one hour, payment will be made at the prescribed overtime rate for the duration of the work; and
 - (D) any further requests to perform remote response work will be paid an additional one hour for each time so requested provided that multiple remote response requests made and concluded within the same hour shall be compensated within the same one hour's payment.
- (d) An employee performing remote response duties will be required to maintain and provide to the employer a time sheet of the length of time taken in dealing with each matter remotely for each day commencing from the first remote response.